

MEETING RECORD

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, December 11, 2013, 1:00 p.m., Hearing Room 112 on the first floor of the County-City Building, 555 S. 10th Street, Lincoln, Nebraska

MEMBERS IN ATTENDANCE: Cathy Beecham, Michael Cornelius, Tracy Corr, Maja Harris, Chris Hove, Jeanelle Lust, Dennis Scheer, Lynn Sunderman and Ken Weber; Marvin Krout, Steve Henrichsen, Ed Zimmer, Brian Will, Sara Hartzell, Paul Barnes, Jean Preister and Teresa McKinstry of the Planning Department; media and other interested citizens.

STATED PURPOSE OF MEETING: Regular Planning Commission Meeting

Chair Jeanelle Lust called the meeting to order and acknowledged the posting of the Open Meetings Act in the back of the room.

Lust requested a motion approving the minutes for the regular meeting held November 27, 2013. Sunderman moved approval, seconded by Beecham and carried 6-0: Beecham, Corr, Harris, Hove, Sunderman and Weber voting 'yes'; Cornelius, Lust and Scheer abstained.

There was not a Consent Agenda and there were no Requests for Deferral.

**COMPREHENSIVE PLAN AMENDMENT NO. 13003
TO REVISE THE THEATER POLICY.**

and

**TEXT AMENDMENT NO. 13014
TO AMEND THE THEATER POLICY.**

PUBLIC HEARING BEFORE PLANNING COMMISSION: December 11, 2013

Members present: Hove, Sunderman, Harris, Corr, Beecham, Cornelius, Weber, Scheer and Lust.

Staff recommendation: Denial.

Ex Parte Communications: Corr advised that she attended the Mayor's Neighborhood Roundtable meeting on December 9, 2013, where the applicant and staff made a presentation.

Proponents

1. **Mark Hunzeker** appeared on behalf of the applicant and read the following letter into the record:

As the staff report states, the policy limiting the number of theaters outside of downtown Lincoln has been in place for 29 years. In the mid-1990's the developers requesting additional theaters in south Lincoln were allowed only six screens (an increase from three) but we were told that the restrictions were going to be temporary. Now, more than 15 years later the city of Lincoln still has a restrictive theater policy that is unique in the country.

Unless there are unusual circumstances, government restrictions on anything that limits consumer choice is bad policy. Unusual circumstances do not exist in this situation. However, it should not be the obligation of a single developer to overturn a city policy that is fundamentally wrong. That obligation should fall on the elected officials that are protecting the rights and choices of their constituents. Our motivation was to seek an opportunity to provide choices, and we think it is unfortunate that some have characterized it as self-serving and unfair.

At this time, on behalf of Eiger Corporation, we withdraw both of our applications.

There was no further testimony nor action. Comprehensive Plan Amendment No. 13003 and Text Amendment No. 13014 have been withdrawn.

CHANGE OF ZONE NO. 13026,
THE "21ST AND N STREET MIXED USE DEVELOPMENT
PLANNED UNIT DEVELOPMENT,
ON PROPERTY GENERALLY LOCATED
AT 21ST AND N STREETS.
PUBLIC HEARING BEFORE PLANNING COMMISSION:

December 11, 2013

Members present: Hove, Sunderman, Harris, Corr, Beecham, Cornelius, Weber, Scheer and Lust.

Staff recommendation: Conditional approval, as revised.

There were no ex parte communications disclosed.

Staff presentation: **Paul Barnes of Planning staff** explained that the property is currently zoned B-4 and the proposal is for a zone change to B-4 PUD. The property is located at 21st & N, within the Antelope Valley redevelopment district. The applicant is proposing a mixed use development including 63 row-houses and a mixed use building adjacent to N Street, which would include commercial on the first floor and apartment units above.

Barnes discussed the waivers being requested, including waivers to design standards as well as to the subdivision ordinance, i.e. private roadway standards, installation and location of water lines, screening and landscaping standards for parking lots, stormwater detention on-site, sidewalks on both sides of streets as well as deviations from the 60' turnaround requirements and 60' wide right-of-way requirements.

The 63 row-house units are generally south of N Street and the multi-use building will be along N Street located to the north. The protected bikeway along N Street is adjacent to this site and as shown on the site plan. There was a note requesting to have the bikeway reduced from a 12' to 10' wide facility in conjunction with reducing the width of the sidewalk which today is 10' and shown on the site plan as 5'. After further discussion with the applicant, the staff and applicant have an understanding that we can provide the continuous 12' protected bikeway along this stretch of N Street. This is a condition of approval.

With regard to the water and sewer utilities for this development, there are several waivers requested. It is a unique development in Lincoln which has not been done locally before, so the staff was required to do some additional review with regard to the utilities. As it stands now, the recommendation is to provide a combination of public and private utilities to the site. The private roadway, which is the loop road through this development, would include a public access and utility easement. The water lines that would be located within that private roadway would be public in serving this site. There are private alleys that access off that private roadway to the row-house units and any utilities in the alleys would be private. All sanitary sewer utilities for this site are recommended to be private as well, with the exception of two that currently exist, i.e. 14" sanitary main on the south and 8" main on the north that would remain public. The applicant is in agreement.

Another item to address is the waiver of sidewalks. The subdivision ordinance would require sidewalks on both sides of streets, whether public or private. We are considering the loop road as private so sidewalks would need to be located on both sides. The waiver being requested is to not have sidewalks. Staff believes that it is important to have sidewalks, especially in an urban density type environment, and to provide safe pedestrian connections is a goal of good planning efforts. Staff is recommending a sidewalk at least on one side of the private roadway.

Barnes then submitted proposed amendments to the conditions of approval:

1. Delete Condition 1.11 which requires the developer to, "Add the 15 foot LES easement along 21st Street, if required by L.E.S."
2. Add a new condition 1.11 that states, "The sanitary sewer system will be private, except for the existing 48" line and the existing 8" line. The water system will be public within the private roadway as long as the developer

enters into a Hold Harmless Agreement with the City. The water system will be private in the private alleys. Show on the plan the required easements for the public water mains and the required spacing between public/private water mains and sewer lines.”

3. Show the bikeway along N Street as 12 feet wide instead of 10 feet. Since the additional 2 feet is obtained from N Street, show the new dimension of N Street.
4. Amend condition 1.20 to state, “Address all comments to the satisfaction of the Director of Public Works and Utilities Department and Lower Platte South NRD, except for the turn radii for private alleys and residential driveways. The radii for the commercial driveway along 21st Street will be 25'. The radii for the private roadway along 21st Street will be 20'.”

Condition #1.11 relating to the LES easement has been taken care of and should be removed.

The N Street bikeway needs to be updated on the plan to show the 12' instead of the 10' as shown today.

Condition #1.20 pertains to the access driveway off 21st Street. The mixed use commercial building on the north is shown with an access drive immediately to the south on 21st Street; however, with 21st Street being a collector, this location does not meet the separation requirements of the Access Management Policy. A waiver to allow the access drive as shown is not supported and the applicant has submitted a request for deviation to the Access Management Policy which is currently under review by Public Works, and a decision on this waiver request will be made through that process.

With regard to the radius requirement, although this cannot be waived by the Planning Commission, staff believes it is an important item to be noted on the site plan by Condition #1.20.

Lust wondered on which side the recommended sidewalk will be located. Barnes stated that staff looked at both sides. If it is located on the inside of the private roadway, we may be compromised in terms of space and lose out on some street trees. Staff believes there is still opportunity to have the sidewalk on the outside of the private roadway that could connect to a future sidewalk on the NRD property to the east.

Lust wondered what makes this property unique so that we would not require the sidewalks. Barnes suggested that the applicant address this issue further since staff does support location of the sidewalks in this development. The proposal is to have a shared road facility on the private roadway, so the applicant is proposing that residents in the development will share the private roadway with the other traffic. It is staff's position that

a sidewalk on at least one side of the street could provide that pedestrian connection and safer route for residents in the area. The site does have some unique characteristics but waiving the sidewalks altogether is not supported by staff.

Lust wondered how waiving the sidewalk on one side of the street affects future connectivity. Barnes acknowledged that people living across the street would have to cross to access the sidewalk, but there is some sort of design that could be worked out to provide access to at least half of the residents or maybe only crossing the private roadway once.

Beecham asked staff to address parking. She understands there will not be parallel parking available. She is concerned that we will have people parallel parking on streets that are too small and not so designed. Barnes explained that the requirements for parking in the B-4 district say that residential units need at least one parking space and all other uses shall provide one space per 600 sq. ft. The row-house units each have a two-car garage. The commercial space of 10,000 square feet would be required to have 17 parking spaces, with 30 residential units above that space, each also requiring one space. There are 70 parking spaces in the north parking lot to meet the requirements of the zoning ordinance. There are also 9 additional parking spaces in the row-house area that would be for visitors or overflow parking. The proposal also shows some on-street parking. Beecham confirmed that A, B and C on the site plan all have two-car garages. Barnes concurred.

Corr inquired about the parallel parking stalls being one foot short. Barnes stated that the on-street parking spaces do not meet the minimum size and that is a condition of approval that they be designed to meet the minimum size. It could affect the number of stalls on the street. This development does meet the requirement with the on-site parking.

Beecham inquired about green space. Barnes noted that Antelope Creek and the trail are to the west, and that connects to other trail facilities in the area; Union Plaza is to the north; there are ballfields to the south and east; and the Windstream building is immediately to the south. The sidewalk shown on the site plan on the NRD property would provide connection to other green spaces and other public spaces for the residents.

Beecham again inquired whether staff is comfortable with sidewalk only on one side of the street. Barnes suggested that if it were designed to provide that connection to the sidewalk near Antelope Creek, it may be that some of the residents will have to cross the street to get to that sidewalk. He acknowledged that there are some site constraints.

Proponents

1. **Tom Huston**, 233 South 13th Street, Suite 1900, appeared on behalf of Hoppe Brothers, LLC, the developer. This is the land use element for this development. It is a redevelopment project pursuant to the redevelopment plan approved by the Planning

Commission this fall, and the City Council approved the redevelopment agreement in October. This is a new concept based on a similar design in Omaha of an urban high density ownership apartment development, which has not been achieved in Lincoln thus far. The design and site constraints are a challenge.

Huston submitted a motion to amend the staff's revised conditions of approval as follows:

- A. Delete Condition #1.11, which requires the Developer to "add the fifteen foot LES easement along 21st Street, if required by LES".
- B. Delete Condition #1.15, which requires the site plan to be revised to "remove the north driveway on 21st Street". The Developer has submitted a Request for Deviation to the Director of Public Works in accordance with the requirements of the Access Management Policy.
- C. Revise Condition #1.20 to provide:

"Address all comments to the satisfaction of the Director of Public Works and Utilities Department and the Lower Plate South NRD, except those comments pertaining to:

 - I. The requirement that sidewalks be provided on both sides of the private "loop" road per LMC § 26.23.095, for which the applicant has requested a waiver; and
 - ii. The turn radii for:
 - Residential driveways (15');
 - Private alleys (15');
 - Loop road drives on 21st Street (20');
 - Commercial drive on 21st Street (20')."

This PUD includes the mixed use building and the row-homes but it does not include the grocery store at 20th & L Streets. The grocery store can stand on its own under the B-4 ordinance and is still part of the project. The challenge is to reconcile the village concept with some existing design standards. City staff has been very cooperative on a variety of issues and they have made a lot of progress. The key component for this project is to maintain the density, which is needed to pay the bills and to bring a grocery store to Downtown Lincoln.

The waiver which the Planning staff has recommended be denied is no longer necessary. They have reached agreement with staff on the screening for the commercial parking lot.

Huston stated, however, that the applicant is not willing to relent on the waiver of sidewalks. The waiver of sidewalks is a key component for the ultimate design of the project.

Huston stated that the applicant agrees to delete Condition #1.11.

The motion to amend requests that Condition #1.15 be deleted, which otherwise would require the developer to remove the north driveway. When Lincoln adopted the Access Management Policy, it was sold as the quickest way to get to “yes” -- that there are other ways to get to “yes”. The reason the north driveway is key is because it is the direct access for the commercial use, which is integral to the success of this project. The Access Management Policy acknowledges that there is a different standard. This is a Downtown urban residential high density village concept that needs to be accommodated, and the Access Management Policy envisions some flexibility. The applicant has filed a request for deviation from the Access Management Policy.

Further regarding the sidewalks, Huston stated that the developer has made a qualitative decision to request the waiver because they do not think the sidewalks are necessary in this development. It will be a less auto-dependent development, designed for people who live and work downtown and walk. The developer decided to prefer green space over additional concrete.

Huston also stated that the waiver on the driveway radius will be requested through the deviation process of the Access Management Policy.

Lust inquired whether removing the north driveway on 21st Street is a determination that can be made with Planning or Public Works. Huston responded that he is just trying to preserve the developer’s right to make a request to the City Council. He does not believe it is within the Planning Commission’s purview. He can appeal the Access Management Policy decision to the City Council.

Lust asked Huston to talk about the impact to the development if the sidewalk is required on one side. Huston pointed out that what has been proposed by city staff is on the southern edge of the loop road. It is a private loop road that provides continuous access to and from 21st Street. Staff is recommending sidewalk “up to this point” -- then there is the proposed sidewalk with the NRD to provide access ultimately to Antelope Valley. The developer believes it is unnecessary. One of the design concepts is a color/material differentiation to show a pedestrian walking lane as opposed to traffic lanes on the street. It will be a material distinction within the project. Lust then assumed that the private roadway only serves the people living there. Huston responded that it will not connect to the east because of the channel. The project could expand to the south but there will be full sidewalks on 21st Street and on N Street. The concept is to differentiate the concrete by color or material treatment. The developer believes the pedestrian traffic within the site will be nominal, at least on the surface area of the private roadway, because of the

perimeter access. The key component is commercial space to create a sense of community. Huston acknowledged that it is a unique request, but this is a unique development. The developer has made a qualitative decision to have other attributes rather than the sidewalks.

Corr pointed out, however, that even though it is a private roadway, it will be the main access point to get to the ~~main~~ Muny building. She noticed that there was a drainage study done that had not yet been received. Huston explained that the engineering on the drainage is underway and he does not believe it will be an issue. The conclusion has been reached on the surface water drainage so he thinks those issues are all resolved.

Corr inquired about the radii for the driveway. Huston stated that within the development, the issues are the driveway approaches for the private roadway onto 21st Street and the commercial drive onto 21st Street. The applicant can comply with the 20' radius design standard. However, for the commercial drive, the 25' radius will result in an intersection that creates an arrowhead. The developer believes that a 20' radius is more than adequate for the commercial drive. They can file a request for deviation on this issue.

Beecham commented that she is excited to see this project. It will change a lot of that area. However, with Antelope Valley and the ballfields and a lot of adjacent green space, she believes that the sidewalk plays into that walk to work. She inquired whether the developer could consider a little less green space in the development and include that connectivity. She loves the idea of walking to work, and with so much green around it she believes it might be worthwhile to cut back a little bit to allow the sidewalk. Huston suggested that this is an issue he will have to take to the City Council. There are a lot of tradeoffs and his client has determined that they would prefer not to have sidewalks.

Harris inquired about the green space. Huston stated that there will be green space on both sides of the private road, with opportunity to plant trees, bushes, etc. The developer would rather have trees and bushes than an under-utilized sidewalk. The developer will comply with all landscaping requirements, and possibly exceed them. The landscape plan shows trees on the perimeter of each phase. The construction of the row-homes will be phased, but as the phasing occurs the landscaping will be installed as part of each final platting process. He suggested that it is more important to have trees along the perimeters than sidewalks. Each row-home is also served by a driveway that will provide access.

Scheer noted that the roadway width is 24'. He thinks that it would be wonderful to try to provide a walk lane within that roadway width, but at 24' that would be very difficult because the driveway needs to be around 11'. Scheer agreed that some trees would be sacrificed on the south side, but he believes that the sidewalk and the connectivity within the urban density is probably more important than a couple trees. Huston stated that the applicant will continue to work with staff between now and the City Council hearing. In the

tradeoff, however, the developer would prefer to have less concrete for an underutilized sidewalk. Because of the target demographic and the culture, the developer does not believe there will be conflicts between automobiles and pedestrians.

Beyond the sidewalk, Huston stated that the only remaining disagreement with staff is the 25' radii, and that is an Access Management Policy issue, requiring a request for deviation to reduce to 20'.

Support

1. Fred Hoppe, one of the Hoppe Brothers, testified in support. He believes that people will walk in the street -- that's how it was designed that's what the developer wants. They want people walking in that village. It is designed conceptually to be a little European village with narrow streets and a hard way to get your car around. It is real important to have the commercial space as a part of the whole little village because that is where people have community, and it is important to have access to that directly from the street. Our city has not changed; the concept has not changed; you have to be able to get a car parked close to a coffee shop and you can't drive a long way to get there. We have it set up so that there is not going to be any speed of any sort in that little area unless it's on a bicycle. It doesn't go anywhere else. It's all contained. That's how it is designed and Hoppe requested that the Planning Commission support the waivers.

There was no testimony in opposition.

Corr sought clarification on the southernmost driveway. Barnes explained that where the private roadway intersects with 21st Street, it does not meet the required angle. Staff understands that there are constraints, but the comment from Public Works is that it could be designed to meet it better. The applicant is in agreement. The motion to amend talks about the radii of the private roadway and commercial driveway on 21st. There are design standards which require private roadways to have certain radius at the intersection, and the site plan shown does not meet those standards. Public Works is suggesting that the private roadway can be designed to meet that, but the commercial driveway (the very north driveway on 21st Street) would need to meet the commercial standard for radius. Beecham wondered if the idea is to allow trucks to turn in and not back up. **Chad Blahak of Public Works** agreed. That is exactly why the larger radius is shown for commercial. The only one we are still in disagreement about is the commercial driveways which are in violation of the Access Management Policy where the 25' radius is required. They could request a deviation to that policy from the Director of Public Works.

Response by the Applicant

Huston clarified that the staff report contemplates 21st Street as a collector and he does not believe that is a correct characterization. Antelope Valley has transformed 21st Street into a local street. That is why the developer has filed the request for deviation for that

north driveway. This is still a B-4 Downtown business zone. When you see delivery trucks downtown, they don't park off-street. They stay on-street and unload and it is not a problem. This will be no different. Huston believes that the 20' radius requested would be more consistent with the other radius immediately to the south. The reason that the southern loop driveway is at that angle is because it lies upon the 48" sewer line owned by the city. That is the city's easement for the sewer line. The developer will work with staff to adjust the angle to get closer to the design standard.

ACTION BY PLANNING COMMISSION:

December 11, 2013

Lust moved to approve the staff recommendation of conditional approval, as revised by staff and as further revised by the applicant's motion to amend, seconded by Cornelius.

Lust stated that she is comfortable with the waivers being requested. The access is something to take up with Public Works. The Planning Commission should not stand in the way of that process. Lust stressed that it is very unusual for her to agree to waive sidewalks, but for this particular project she does not think the sidewalks need to be required because of the way the project is proposed with the private access road with pedestrian access to the rest of the very connected area along Antelope Valley. She believes it meets the spirit of connectivity issues.

Cornelius agreed. He has tried to make it his philosophy on the Planning Commission to not be opposed to an item simply because it is unusual, and this is an unusual development. And perhaps we are looking at something like the future of Lincoln as described by the Comprehensive Plan. He would submit that the pedestrian connectivity requirements that we generally operate under serve the purpose of separating pedestrian traffic from automobile traffic, and we are looking at a radical departure from that and mix them together in a safe way. There will be a specific material difference indicating that the pathway is somehow different from both a street and a sidewalk.

Scheer stated that he does not love this motion. He wants to support the project, but there are some details that still need to be addressed with the pedestrian connectivity within the development. He is not positive that sidewalks are necessary, but the delineation of pedestrian routes within the development is important. The rage right now is "complete streets". The ability to incorporate those kinds of principles is really important here, and we refer to that as sidewalks, but he agrees that there is another way to do a sidewalk within this development. He will support the motion because overall it is a great project.

Beecham stated that she likes this project but she is troubled with the sidewalk issue. She thinks there is a lot of flexibility and she would be okay with a walking lane, but she is not sure this site plan shows that.

Beecham moved to amend the main motion to require a condition of approval that some sort of pedestrian walkway be designated on the site plan in one form or another – a lane or sidewalk – to make sure we have a safe space for pedestrians, seconded by Corr.

Corr is concerned about the sidewalks and does not want to agree to none. This is a closed loopway with slow traffic, but she would like to see it before she agrees to completely waive the sidewalk.

Lust stated that she will support the motion to amend because it allows for the lane to be in the private roadway.

Cornelius stated that given room for negotiation, he is tempted to support the amendment, but he is sort of excited about the idea of a pathway or route which is primarily for pedestrians, which is what we have heard that it is. It is a pedestrian route and secondarily an automotive route – which is different than what we have seen before.

Beecham commented that she loves this idea but we are also approving two-car garages so it will not be all pedestrian. She wants enough room for pedestrians and cars to work.

Hove stated that he will not support the amendment. We need to trust that the developer can get this done with the street and sidewalk space working together.

Corr pointed out that this is the driveway to the Muny Building. While these residents and the people that use the multi-use building on the corner might be walking, she does not envision those employees at the Muny Building walking to work because they are going to live all over the city. They will have to drive there.

Motion to amend to require some type of sidewalk facility be shown failed 4-5: Corr, Beecham, Scheer and Cornelius voting 'yes'; Hove, Sunderman, Harris, Weber and Lust voting 'no'.

Corr thinks that the northern intersection could be deleted. She thinks they could go back to the drawing table. She would like this to be considered.

Beecham stated that she will vote in support because this is a great project, but she also stressed that she would like to see something to fine-tune the pedestrian access to make it even better.

Cornelius stated that he flip-flopped at the end on the motion to amend because he was reminded that this was access to a separate facility that is not the residential. He is uneasy about the state of this development and the flux that it is in, but maybe it is worthwhile to take a careful look at the pedestrian and automotive movement throughout the area. That failed amendment would have given us that opportunity.

Main motion for conditional approval, with amendments, carried 9-0: Hove, Sunderman, Harris, Corr, Beecham, Cornelius, Weber, Scheer and Lust voting 'yes'. This is a recommendation to the City Council.

CHANGE OF ZONE NO. 13027
TO DESIGNATE THE MUNY BUILDING
AS A HISTORIC LANDMARK
ON PROPERTY LOCATED IN ANTELOPE PARK,
SOUTH OF 23RD AND N STREETS.
PUBLIC HEARING BEFORE PLANNING COMMISSION:

December 11, 2013

Members present: Hove, Sunderman, Harris, Corr, Beecham, Cornelius, Weber, Scheer and Lust.

Staff recommendation: Approval.

There were no ex parte communications disclosed.

Staff presentation: **Ed Zimmer of Planning staff** and **Nicole Fleck-Tooze of Parks and Recreation** appeared. Zimmer stated that this is a 1921 structure built by the city as the bath house for the municipal pool, which is now gone, but the Muny Building is still there. It meets that informal requirement that it appears in postcards and it has both architectural dignity and is important in the city's development of its recreation program. It was also a key site in the development of race relations in Lincoln. It was a segregated facility from the time it opened until the 1950's. It embodies both associational significance and architectural significance, and easily meets the requirements for landmark designation.

Zimmer referred to the "Preservation Guidelines" attached to the staff report. Unique to this property, guideline #4 has been added referring to the transfer of property. This designation came about in association with the 21st & N Mixed Use Development PUD, although this building will remain in City ownership. In the process of the review, there was a focus on how this building will be handled. The State Historical Society requested to be contacted if the City ever contemplates transfer of the property to a subsequent owner, and the City is happy to do that. The provision states:

In the event that the City of Lincoln (the owner at the time of designation) contemplates transfer of the property to a subsequent owner, the City shall make a good faith effort to consult with the Nebraska State Historical Preservation Officer prior to the transfer on measures to further safeguard the Landmark property.

Nicole Fleck-Tooze of Parks Department advised that what is being proposed is very consistent with the Parks and Recreation Department's intended use of the building long term.

There was no testimony in opposition.

ACTION BY PLANNING COMMISSION:

December 11, 2013

Beecham moved approval, seconded by Cornelius.

Beecham commented that this is terrific and she likes the idea of landmarking to save an old building and provide a lot of flexibility for development and use of the building.

Lust agreed. This looks like a great project for a historical building.

Motion for approval carried 9-0: Hove, Sunderman, Harris, Corr, Beecham, Cornelius, Weber, Scheer and Lust voting 'yes'. This is a recommendation to the City Council.

**SPECIAL PERMIT NO. 1665B,
TO AMEND THE VAN DORN MEADOWS
1ST ADDITION COMMUNITY UNIT PLAN,
ON PROPERTY GENERALLY LOCATED
AT SOUTH 72ND STREET AND VAN DORN STREET.
PUBLIC HEARING BEFORE PLANNING COMMISSION:**

December 11, 2013

Members present: Hove, Sunderman, Harris, Corr, Beecham, Cornelius, Weber, Scheer and Lust.

Staff recommendation: Conditional Approval.

There were no ex parte communications disclosed.

Staff presentation: **Brian Will of Planning staff** explained that this is an amendment to an existing CUP relating to Van Dorn Meadows. The major intersection is 70th Street and Van Dorn Street. This project started back in the late 1980's and the concept plans from the original development show a plan different than this. We are here to talk about a request to waive the sidewalk connection in relationship to a block length in excess of 1,000 feet in the area from Van Dorn Street all the way down and back up 74th Street.

Will further explained that in the early days of this development, Otoe Street came off of 74th Street and it currently dead-ends. The original concept plans in the file showed Otoe Street connecting with 72nd Street. Those plans were abandoned midway through the review process. At one point, there was a cul-de-sac shown at the end of Otoe Street, which was also abandoned. Both of those plans were dismissed in favor of the plan that has been approved showing a sidewalk connection coming off Otoe Street and connecting with the internal sidewalk network over to South 77th Street. That plan was approved. However, that sidewalk was never built over the last 20 years. It just so happens that today there are some remaining structures to be built, i.e. the four-plexes along the east edge of

the development. At the time of review of that building permit, it was noted that the sidewalk had not been built. Simultaneously, Public Works received a call from neighbors in the area of the dead-end about runoff and debris at the end of Otoe Street.

Will advised that the staff did go on-site and met with the owner and the developer, as well as neighbors with the intent of finding some way to get the sidewalk built. Will showed photographs depicting the significant change of grade, ranging from approximately 4' at the south end to 6' at the north end. There are railroad ties to stop the erosion and there are multiple trees. The fence shown on the photographs has been offered by the applicant as a condition of approval of the sidewalk waiver. There is a fire hydrant at the dead-end because there are utilities in the street. There is sort of an informal path at the north edge of Otoe Street showing some apparent pedestrian use.

The staff, developer and the neighbors discussed alternatives to getting a sidewalk constructed. A suitable alternative was not found. All of the alternatives would have made a significant change in the area, and any of the alternatives would have involved removing a fair number of the trees, which the neighbors were adamant not occur.

Will further explained that while the applicant has proposed to waive the requirement to install the sidewalk, the developer is proposing to construct a stormwater diversion which would contain the runoff through the site that had been coming down Otoe Street.

After meeting with the developer and the neighbors, Will advised that the Engineering Services Division of Public Works and Planning staff are recommending that the waiver be granted so that the sidewalk is not installed.

Lust inquired whether a bond was posted for this sidewalk. Will stated that he cannot find that a bond was ever actually posted; however, the procedure has changed over the years. He cannot find any guarantee on record for this improvement.

Corr inquired as to who is responsible for maintaining the area of the dead-end on the east side of the fence. Will stated that anything beyond the applicant's property line would be within dedicated right-of-way which would be the City's responsibility. Engineering Services did pledge that they would make a more concerted effort to make sure that street cleaners do visit this area more regularly.

Corr assumed that the area is not fully developed. Will stated that there is a detention facility and open space. The only thing left to be developed within Van Dorn Meadows are the four-plexes. Corr wondered whether there would be opportunity for another sidewalk access. Will did not think so.

Proponents

1. Mike Eckert of Civil Design Group appeared on behalf of **the developer of Van Dorn Meadows apartment complex**. When they applied for a building permit for the four-plexes, a Building & Safety official caught the fact that a sidewalk was supposed to be built there 20 years ago. The neighbors do not want the trees removed and they do not want the sidewalk. This is a good compromise. The reality is that if that apartment complex was done today, Public Works would make the grade so that it is compatible. It just wasn't done 20 years ago. The developer put up the fence and the berm is in place. The sidewalk on Van Dorn Street is a straight shot back to Lux Middle School, so we just didn't see any need for this sidewalk.

There was no testimony in opposition.

ACTION BY PLANNING COMMISSION:

December 11, 2013

Cornelius moved to approve the staff recommendation of conditional approval, seconded by Hove.

Cornelius stated that he is usually not in favor of approving a waiver of sidewalks, but the arguments in this particular case seem compelling. This is the result of a problem that originated decades ago; the neighbors don't want it; we have grade constraints that make it impossible to build a sidewalk that is ADA compliant; there has been a compromise reached; and we have a better area as a result. Cornelius stated that he is operating under the assumption that we have better enforcement mechanisms now so that we don't have this in the future. He is hopeful not be to sitting here and someday have to vote on a special permit like this on a CUP that he approved in the past that showed a sidewalk and now the sidewalk is not built.

Corr agreed with Cornelius.

Lust stated that she cannot believe she is voting for a sidewalk waiver twice in one day. This type of situation makes her cranky. She does not like it when promised a sidewalk and that it is not built for 20 years. We are now making the best of a bad situation and she appreciates the way the developer, staff and neighbors worked together to come up with a resolution. We need to make sure that the things that we propose, require and do as part of our approval process are being looked into and being enforced. She believes the reFORM effort will help in that regard.

Motion for conditional approval carried 9-0: Hove, Sunderman, Harris, Corr, Beecham, Cornelius, Weber, Scheer and Lust voting 'yes'. This is a final action, unless appealed to the City Council within 14 days.

USE PERMIT NO. 13011
TO ALLOW A GROCERY STORE AND FUTURE PAD
SITE DEVELOPMENT ON PROPERTY
GENERALLY LOCATED AT NORTH 84TH STREET AND O STREET.
PUBLIC HEARING BEFORE PLANNING COMMISSION:

December 11, 2013

Members present: Hove, Sunderman, Harris, Corr, Beecham, Cornelius, Weber, Scheer and Lust.

Staff recommendation: Conditional Approval, as revised.

There were no ex parte communications disclosed.

Staff presentation: **Paul Barnes of Planning staff** explained that this is a request for a use permit located at the northwest corner of 84th Street and O Street. The property is zoned B-2. Therefore, a use permit is required as part of the development on the site. This is a request to allow approximately 50,000 square feet of commercial floor area and institutes some design standards for the first phase as well as development on the other pad sites in the future.

Barnes showed the site plan of the first phase, including a 16,000 square feet grocery store with parking lot to the south at the 84th Street and O Street intersection. It is also bounded by Russwood Parkway and College Park Drive. As shown on the site plan, there are two driveway accesses off of College Park Drive. The staff report notes a comment from Public Works regarding congestion, increasing traffic and potentially backing up for full access on the eastern driveway.

Barnes submitted revised conditions of approval to resolve these issues as follows:

1. Replace Condition 1.12 with the following, and update the site plan as needed:
 - “1.12 The easternmost access on College Park Drive may be constructed without a median or without a right-in, right-out design, only if the western driveway is constructed at the same time. A median or other design to limit access to right-in, right-out will be constructed immediately in the eastern driveway, at the expense of the property owner, if either of the following conditions are present:
 - A. If two separate crashes occur within a 12 month period which would otherwise be prevented by a right-in, right-out driveway;
or

- B. The City receives a report or observes two or more instances in a 30-day time period, where traffic is backing up into the N. 84th Street and College Park Drive intersection, as a result of driveway induced congestion.”
2. Replace Exhibit 1 with the attached Exhibit 1.

The eastern driveway could be constructed with full access today. Both conditions are that the western driveway access is built with phase one as well, and that if crashes are reported, or if there is a report or observance of increased congestion, that the owner would be required to design and build that eastern driveway as a right-in and right-out only.

Barnes pointed out that the Comprehensive Plan does show North 84th Street at this location as a future 6-lane facility with turn lanes, requiring 70' of right-of-way from the center line. Today there is 50' of right-of-way from the center line. There is a 10' strip noted to be dedicated for right-of-way along 84th Street, which would then accommodate a turn lane onto O Street. Knowing that the Comprehensive Plan is suggesting six lanes in the future, there is a recommendation to note the 70' future right-of-way line on the site plan and then take into account setbacks at this time for the buildings in this phase of the development. There would be 70' of right-of-way noted on the plan from the center line of 84th Street over to the site.

Barnes also pointed out that there is a request to reduce some front yard setbacks. Staff has worked with the developer and does support the reduction of those setbacks if the building and site design standards are adopted as part of this use permit.

Barnes advised that the Comprehensive Plan does note that O Street at this location is a primary entryway corridor which should be given an extra look and review when a request like this comes forward. As recommended in the Comprehensive Plan, primary entryway corridors should look to incorporate site and building design standards to enhance those areas of the community. The reFORM effort has been used as a basis for the site and building design standards on this development. Today's memo shows a revised Exhibit 1. Staff worked with the applicant to address the building and site design standards and have compromised on a few of the original recommendations; however, what is being supported still does get us to a point that enhances the site and still does reflect that it is a primary entryway corridor. The buildings will be located closer to the streets with the reduced setback and staff supports the building materials with certain levels of transparency along those visible corridors as well.

Regarding the second entrance, Corr wanted to know whether there would be a road connecting that. Barnes explained that there will be an access road from the western driveway over to the grocery site until the rest of it develops.

Proponents

1. Mike Eckert of Civil Design Group, appeared on behalf of **Brehm Enterprises, Inc.**, the applicant. Brehm Enterprises has been doing development in Lincoln for close to 50 years. They had the Russwood automobile dealership on this site for years, and then it was operated independently. The site has been totally demolished and is just dirt today. It is time for redevelopment. This is really an example of a site where the useful life is gone and time to rebuild, but we operate in a built environment where we have it bounded on all four sides by built streets in a high traffic area. There is about a 23' drop from the northwest corner to the southeast corner. When there was just one building and one big parking lot, it was easy to make that work. But with multiple pad sites, there will need to be a retaining wall somewhere on the site.

When staff came out with the draft reFORM requirements, this developer started working with staff relating to the topography issues, transparency requirements, etc. Staff has agreed to allow some glass treatments with some canopies. It is an all brick building. Staff compromised in this scenario with the transparency requirements.

Eckert stated that the developer does not yet know what will be developed on the remainder of the site. One of the reFORM requirements provides no parking lot or drive aisles between the buildings and streets. That is going to be very difficult on this site. There is an access drive on O Street. They have worked with NDOR and the City on how to reduce some of the curb lines. There is just a lot going on. Eckert stated that there is harmony between the developer and the city today. All parties have agreed to the base elements to drive the grocery store and the rest of the site. The developer will meet with staff and future tenants as they come on board.

There was no testimony in opposition.

ACTION BY PLANNING COMMISSION:

December 11, 2013

Hove moved to approve the staff recommendation of conditional approval, as revised, seconded by Weber.

Corr commented that she is excited to see some development going in there and that it will be a positive redevelopment.

Lust commented that she is always very encouraged, especially when it seems like 99% of what comes before the Planning Commission has been a compromised and everything is worked out. This appears to be a good project for such an important intersection of the city.

Motion for conditional approval, as revised, carried 9-0: Hove, Sunderman, Harris, Corr, Beecham, Cornelius, Weber, Scheer and Lust voting 'yes'. This is a recommendation to the City Council.

COUNTY TEXT AMENDMENT NO. 13013,
COMMERCIAL COMPOSTING OPERATION,
and
COUNTY SPECIAL PERMIT NO. 13051
FOR A COMMERCIAL COMPOSTING OPERATION
AT 13000 PELLA ROAD.

CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION: December 11, 2013

Members present: Hove, Sunderman, Harris, Corr, Beecham, Cornelius, Weber, Scheer and Lust.

Staff recommendation: Approval of the text amendment, as revised by staff on December 10, 2013, and conditional approval of the special permit, as revised by staff on December 10, 2013.

There were no ex parte communications disclosed.

Staff presentation: **Sara Hartzell of Planning staff** submitted the proposed amendments to both the text and special permit requests.

The proposed text amendment and special permit are at the request of Prairieland Dairy, located in the southeast portion of Lancaster County near Firth. They have been operating as a dairy for several years, but they have also been doing some composting of food waste along with the animal manure, wood chips, etc., to keep it aerated. The Dairy has reached the threshold where they need to a state license through NDEQ. They have asked about local siting approval, which is one piece of that process. Staff has been requested to review this and it was found that there is really nothing in the Lancaster County Zoning Resolution to address this type of operation.

The city/county staff worked with the applicant to come up with draft language using the state definition, and, upon further consideration, the staff believed this to be an opportunity to exceed the state requirements and felt we would be best served by concentrating on composting facilities rather than disposal facilities (private landfills). The proposed amendments under cover memo dated December 10, 2013, change those definitions from the state definition for solid waste processing facility and disposal areas to "commercial composting operation".

Section 2.029 contained the definition for “commercial composting operation” and is taken from Chapter 5 of the Lincoln Municipal Code. There are two additional clarifying definitions for composting in that we are not talking about turning organic material directly into the soil.

The commercial composting operation is being proposed as a specially permitted use in the AG Agricultural District, reviewed by the Planning Commission, and because many of these would go on for local siting approval from the state, the proposal is that the Planning Commission action be a recommendation to the County Board.

There are six different conditions being recommended in Article 13, which is the special permit chapter. These conditions would be reviewed by the Planning staff and then recommended to the Planning Commission.

Those conditions include:

- the applicant shall provide information regarding the nature of the activities.
- the applicant shall provide information regarding the location and dimensions of any buildings on the premises to see if there are any screening requirements, which is kind of a standard requirement in all special permits.
- there shall be a separation of a minimum of 750 feet between the area of the composting and any non-associated dwelling unit.
- there shall be a requirement to know the type and number of vehicles expected per day and the expected route to identify any possible issues with local roadways.
- visual screening requirements are based on the language for soil mining permits.

Hartzell advised that the 750 foot minimum could be increased, if necessary.

Harris wondered about the condition that the visual screening may be required versus shall be required. Hartzell explained that if it is adjacent to some particular facility – such as a school, church, acreage development, entryway corridor – something that is a special view, we would not want to interfere with that. In general, the composting operation will be very similar in appearance to an agricultural operation, but we could require screening. There would still be the 750' separation but if the topography was such that there were natural curves that they could not see the facility from a home, then we would not have to require extra screening.

Hartzell then addressed County Special Permit No. 13051, which is the first application for a special permit for a commercial composting operation. The reference to “solid waste facility” is recommended to be changed to “commercial composting operation”.

The location of this facility is South 134th and Pella Road. It is the location of Prairieland Dairy. The composting operation has been in operation for about a year, receiving some popcorn waste from a factory, and then some food waste from Norris Schools. The Dairy has reached a threshold for state licensure, so they came forward to work through the special permit process.

The conditions of the special permit require that the applicant provide information regarding nature of activities. There is an entire section from the applicant's operational criteria that explains how the operation is conducted down to details of the temperature. In general, there is organic material composted in windrows that can be turned regularly. Bulking agents are used to keep it aerated so that the oxygen can get in and break down the material. The compost product could either be used on the farm or sold to local landscapers or private individuals for their gardening.

Hartzell then reviewed the conditions of approval and requirements. There is a deed on record that the property is in the ownership of Prairieland Dairy. The Dairy complies with the 750' separation requirement in that it is actually 920' from the first non-member household.

The applicant states that there is no information on the type of vehicles but there are about 5 trucks per day operating at peak operation time. Thus, the County Engineer did not have any concerns about safety or wear and tear on the roadways based on that 5 vehicles per day. There is a condition of approval that there be an agreement or understanding that if the permittee exceeds 5 trucks per day, they need to notify the County Engineer, who will then determine the need for a maintenance agreement.

With regard to visual screening, this operation is on a gravel roadway that is off any paved roadway by a mile. There is not a lot of traffic – about 47 trips per day on Pella Road. There are some existing buildings that provide some screening as well as a natural berm across the south end of the property. Therefore, there is no staff recommendation for any further screening at this time.

Lust asked staff to address the letter in opposition which expresses concerns about the traffic. Hartzell stated that she did speak with the engineering firm working with the applicant to understand the traffic numbers. The application does actually state that the maximum capacity of this facility is 120,000 cubic yards, which is significant. That is a maximum capacity. At this time, Hartzell stated that she does not know what their annual capacity will be; however, it will be addressed if there is any increase in the number of vehicles.

Weber noted that Pella Road is the recommended route off of Hwy 43. However, he pointed out that if you go one mile south and east there is more pavement. Wouldn't that be a preferred route? Hartzell stated that the original application showed 134th Street off Firth as the preferred route, and then NDEQ showed Pella Road off of Hwy 43. Thus it

was recommended that either could be the preferred route. It is difficult to control and enforce where people drive. The truck drivers will not be Prairieland employees but private contractors. The logical way for the most paving would be to continue south on Hwy 43 to Firth Road and then over and up 134th Street instead of traveling two miles of gravel between Hwy 43 and 134th Street.

Beecham wanted to know how “5 trucks” was determined. Hartzell stated that the number came from the applicant.

Corr inquired about the residences which are stated to be within ½ mile of the site. Hartzell pointed to the three residences which are owned by Prairieland Dairy. The owner of Prairieland Dairy lives about ½ mile down “this direction”. As you continue west on Pella Road, there are a couple of non-Prairieland Dairy homes before hitting the next mile road, but all three of the houses shown on the aerial map are Prairieland Dairy ownership.

Corr asked whether staff has had any comments or concerns from neighbors. Hartzell stated that the Planning Department has only received the one letter with concerns about the traffic.

Proponents

1. **Dan Rice**, one of the owners and General Manager of **Prairieland Dairy**, stated that in the year 2000, the new dairy facility was built and they started compost operations for their own cow manure to be better stewards. In about 2005, they started accepting grass and leaves from a local garbage hauler. The Dairy is considered a confined animal feed and operation. Under that permit, the state allows them to bring 1,000 cubic yards of non-dairy products into the Dairy site. The last few years, the composting business has garnered a tremendous amount of interest, so they started working with the Norris School District to bring food waste into the Dairy’s compost operation. Conagra from Lincoln also brought popcorn to the compost site. There are a lot of other companies with interest so they contacted NDEQ and this special permit is required. They will proceed with the NDEQ permit after this special permit is approved by the County Board.

Rice acknowledged that there are two residences north of the Dairy that are within ½ mile of the compost operation. However, the compost pad is contained and all runoff goes into a lagoon system and then pumped onto the fields. There is no runoff. It is inspected on an annual basis and permitted by NDEQ. Those residents are agricultural people as well.

Rice further stated that they do their best to control odor, and he lives directly across the street from the Dairy so he would be the most affected by odor.

Rice believes it is standard procedure for the County Engineer to give two routes. The alternative route was off Hwy 43 and Pella Road. Rice agrees that is probably not the best access, but he does not know how to control it – perhaps some signage.

Rice also stated that he does not know how many trucks there will be. A semi takes about 1,000 cubic yards of material. Currently, they have 5 trucks a week, so 5 trucks a day is a great plenty. The site is 8 acres so it can hold 100,000 cubic yards and that is why they are requesting the special permit.

Beecham asked Rice to address the letter received by the Planning Commission about the citrus rinds – orange peels – and how that all works. Rice indicated that Prairieland is a very highly regulated site and they monitor temperature, moisture and oxygen. In the citrus rind situation, he believes the problem was that someone was just dumping it and not actively monitoring it. Prairieland Dairy is a dairy farm with a lot of flies, but they work very diligently to control them by moving the manure as much as possible so that the flies cannot breed, eliminating odor, flies, etc.

Support

1. Andy (?), Civil Dynamics Composting Farm in Cass County, testified in support. His operation has dealt with these same issues. He suggested that the trucks are coming and going when no one is home. It all comes down to the odor. He submitted that future composting in Nebraska is dependent on these operations doing a good job of odor management. There are a number of issues that have to be laid out and thought of ahead of time. Operators in Cass County are required to submit an odor minimization plan, which he believes this applicant should review. You have to be able to characterize the odors and get the complaints taken care of as much as possible. It all comes down to odor, and if you cannot control the odor, that is where the problem is going to be. These facilities must cohabitate with the neighbors and a lot of caution has to be taken.

2. Chris Funk, Director of Zero Waste for Wastecap Nebraska, testified in support. The organization has been in Nebraska about 20 years, started in Lincoln by an industry that did not have anyone to do their recycling. They formed the education arm at the Chamber called Wastecap, which works with businesses to help them reduce their waste and improve their profitability. In about 2005, they spun off into a state-wide organization to work with other businesses and communities outside of Lincoln. The organization continues to work with businesses, and Prairieland Dairy is a member. They also work with communities. Funk is currently working on a grant to do zero waste community education in five rural communities. Part of that education is looking at the infrastructure needed, including composting and food composting. There are only two food composters in Lincoln. This special permit is really important. You have NDEQ and County Health overseeing it, so there is no reason not to allow this to go forward. There are a lot of good reasons to start looking at composting our organics.

3. Everett Lunquist, 17201 NW 40th Street in Raymond, testified in support. He sent the letter on the citrus rinds. He stated that he appreciates the response from the Health Department and the staff in terms of the revisions to the text amendment.

Personally, Lunquist believes it is unreasonable to live and work smelling the large festering citrus rind pile and possibly other food waste. The smell is overwhelming, giving them headaches and scratchy throats. Up until this text amendment, there has not been a way to deal with a citrus rind pile because it is less than 1,000 cubic yards.

Based on the amendments offered by the Health Department, it is Lunquist's impression that it is reasonable to expect not to have to live under the odor issue. He believes there should be a small volume threshold in place before needing to require a special permit. He also believes that livestock feeding should be addressed in the text.

Opposition/Neutral

1. **Brian Warrington**, 14320 Pella Road, testified at this time but he stated that he is not in blatant opposition to the special permit. Dan Rice and his partners run an excellent operation. His only issue is the traffic on Pella Road, which has been in its current state for decades. It is a very unimproved road. If we are going to see the kind of traffic that could be generated by this operation, some controls need to be in place to assure that we are not running heavy trucks and a lot of traffic down this road. There are three drives with limited visibility to the west because of the hills in that area, running the risk of pulling out in front of a large truck. He has seen trucks get stuck on this road. He does not have a real solution for how to keep the commercial haulers from going down Pella Road; however, Prairieland Dairy would know or have at least some indication that the truck came from the east and not from the south.

Warrington stated that he supports the special permit but he strongly recommends that there be some sort of special conditions in place to avoid significant traffic on Pella Road.

Staff questions

Beecham noted that the applicant had mentioned something about the possibility of putting up some "no truck" signs on Pella Road. Is that in the Planning Commission's purview? Hartzell indicated that it would be the County Engineer's decision. **Ken Schroeder, County Engineer's office**, stated that the County Engineer's position is that it is a public road and the County Engineer does not put signs restricting use. It would be more appropriate to have the special permit designate an exact route and keep track of it. The County Board could direct the County Engineer to put up signs, but the County Engineer would not restrict use of a public road without direction from the County Board.

Beecham asked staff who Mr. Lunquist might talk to about the issues with the citrus rinds, etc. Hartzell advised that she has visited with Scott Holmes of the Health Department about the complaint. It does appear that the pile is not really a compost pile because it is not being turned or mixed. It is simply a discard pile being used and not maintained.

Scott Holmes, manager of the Environmental Health Division of the Health Department, suggested that if they are discarding the waste, it is illegal disposal of waste. Whether they are trying to manage it is a different issue. If they are just creating a pile of garbage solid waste, they cannot do that.

With regard to the threshold of a commercial operation, Holmes explained that the City of Lincoln has regulated commercial composting for a number of years, including the three-mile jurisdiction. What is the operation doing that is commercial? Is it a commercial facility bringing in a lot of materials in order to sell and use compost? Frankly, a lot of this needs to move forward and if we need to address other issues we can adopt them into the County Solid Waste resolution in the future.

Response by the Applicant

Rice stated that the applicant is willing to do whatever they can to keep the trucks off of Pella Road. If the county can come up with a solution, the applicant will work with them and do their best to keep people going down 134th Street.

COUNTY TEXT AMENDMENT NO. 13013

ACTION BY PLANNING COMMISSION:

December 11, 2013

Sunderman moved approval, as revised, seconded by Beecham.

Cornelius believes this to be a reasonable set of controls to put on this process. These regulations will help us keep track of this process as we go forward. It is a valuable set of new laws and we should move forward.

Lust stated that she will support the text amendment because she got the great pleasure of being on the Solid Waste Committee. She is glad to see that we have private enterprise in the county willing to take on this composting job, and she encourages it.

Motion for approval, as revised, carried 9-0: Hove, Sunderman, Harris, Corr, Beecham, Cornelius, Weber, Scheer and Lust voting 'yes'. This is a recommendation to the Lancaster County Board of Commissioners.

COUNTY SPECIAL PERMIT NO. 13051

ACTION BY PLANNING COMMISSION:

December 11, 2013

Beecham moved to approve the staff recommendation of conditional approval, as revised, seconded by Scheer.

Lust stated that Prairieland Dairy is a great member of the community and she is glad to approve this special permit to expand their facilities.

Corr commented that it appears that Prairieland Dairy is running a very reputable operation and she appreciates that they are being proactive by coming forward before they hit the threshold.

Motion for conditional approval, as revised, carried 9-0: Hove, Sunderman, Harris, Corr, Beecham, Cornelius, Weber, Scheer and Lust voting 'yes'. This is a recommendation to the Lancaster County Board of Commissioners.

There being no further business, the meeting was adjourned at 3:45 p.m.

Please note: These minutes will not be formally approved until the next regular meeting of the Planning Commission on January 8, 2014.